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FACSIMILE**TO:**

| | | |
|---------------------------|---|-------------------------------------|
| Ms. Sonya Williams | U.S. Patent and Trademark Office | 703 305 3014 or 703 308 4242 |
| NAME | COMPANY/FIRM | FAX NUMBER |
| Washington | D.C. | 703 305 2272 |
| CITY | STATE | (TELEPHONE NUMBER) |

FROM:

| | | |
|---------------------------|---------------------|--|
| Patrea L. Pabst | 404 817-8473 | |
| Todd S. Hofmeister | 404 817-8528 | 3 |
| NAME | TELEPHONE | TOTAL PAGES (Including Cover Sheet) |

FOR THE RECORD:

DATE: September 18, 2002 **URGENCY:** ☐ SUPER RUSH ☐ RUSH ☐ REGULAR

FAXED BY: **FILE #:** MBX 020 **CLIENT NAME:** 077832/00077

CONFIRMED: ☐ YES ☐ NO

NAME: **TIME:**

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MESSAGE:

Per applicant's telephone conversation with Ms. Williams (patent analyst - 1638) on September 18, 2002, the attached Notice of Non-Compliance was in error (mailed on August 28, 2002) and will be withdrawn.

If this statement does not accurately reflect the conversation, please notify the above-identified sender as soon as possible.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lara Madison, Gjalte W. Huisman, and Oliver P. Peoples

Serial No.: 09/235,875 **Group Art Unit:** 1638

Filed: January 22, 1999 **Examiner:** A. Nelson

For: **TRANSGENIC SYSTEMS FOR THE MANUFACTURE OF POLY(3-HYDROXYBUTYATE-CO-3-HYDROXYHEXANOATE)**



UNITED STATES PATENT AND TRADEMARK OFFICE

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9-19-02
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/235,875 | 01/22/1999 | LARA MADISON | MBX020 | 2296 |

7590

08/28/2002

Patrea L. Pabst
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EXAMINER

KALLIS, RUSSELL

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed for: ① 9-28-02 Rsp w/0 eot
By: ② 10-28-02 Rsp w/1 eot
Date: ③ 11-28-02 Rsp w/2 eot
④ 12-28-02 Rsp w/3 eot
⑤ 1-28-03 Rsp w/4 eot
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 8-12-02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RE-SUBMIT THE ENTIRE AMENDMENT):

- ☒ 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- ☐ 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- ☐ 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- ☐ 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: Please re-submit a complete amendment for entry. Amendments are not entered in part.

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- ☐ **PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

- ☒ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

[Signature]